

REMARKS

Applicants submit the foregoing amendments and following remarks in response to the Office Action mailed June 21, 2005.

Claims 1-23 were pending, and Applicants have cancelled 1-21 and 23, amended claim 22, and added new claims 23-45 as will be discussed below,

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A replacement Declaration is submitted herewith, in response to the objection under MPEP §§ 602.01 and 602.02, and incorporates the missing information regarding inventors Mauchamp and Vincent.

* * *

Claims 1-21 are cancelled without prejudice to avoid the rejection of claims 1-21 under 35 USC 102(b).

* * *

Claims 22-23 were rejected under 35 USC 103(a) as obvious over US 2003/0049359 ("Kulkarni") taken with US 5,334,242 ("O'Toole"). The Examiner stated that Kulkarni's dough composition contained salt, vegetable shortening, and flavored oil (particularly when formed as a pizza crust), and that when placed on the O'Toole stone for baking, the coating limitation of claim 22 was met, particularly when the user cleaned the stone of residual dough (presumably after baking to remove dough from the stone).

This rejection is respectfully traversed.

Applicants have amended claim 22 by incorporating features from the original specification and claims, including the washing procedure described in claim 23, which is cancelled without prejudice.

The preamble of claim 22 is amended to recite that the method of claim 22 is directed to treating the surface of a hydratable cementitious composition, as described in the specification at page 1, lines 4-14.

Claim 22 is also particularly amended to describe the step of providing a hydratable cementitious composition having a surface to be etched as described at page 1, lines 8-13; at page 2, lines 7-11 ("Exemplary methods of the present invention thus comprise applying the surface retarder composition to a hydratable cementitious material surface (e.g., concrete), and removing a portion of the treated surface after the cementitious material begins to cure, thereby revealing an 'etched' surface portion beneath the removed surface portion"); and also at page 8, lines 21-24 ("... the treated surface portion may be washed away, using a pressure-washer or hose, to reveal an etched portion beneath the treated, removed surface portion").

Claim 22 is also amended to describe that the hydratable cement binder comprising Portland cement, masonry cement, or mortar cement; to describe that water is present (for hydrating the binder and initiating the curing reaction in the cement); and to describe an "aggregate" which can be selected from sand and crushed gravel and stone. All of these features are described at page 3, lines 4-14.

Claim 22 is further amended to describe the washing away of a portion of the hydratable cementitious composition coated with said coating composition using a pressure-washer or hose, thereby revealing an etched portion in said cementitious composition. The subsequent washing step is described in original claim 23, now cancelled. The use of the pressure-washer or hose in the etching process was described in the specification at page 8, lines 21-24.

Applicants submit that no new matter is incorporated into the above-referenced application by way of the foregoing amendments to claim 22.

Claim 22 as amended avoids the Section 103 rejection based on Kulkarni and O'Toole. Claim 22 now describes a hydratable cementitious composition comprising Portland cement, masonry cement, or mortar cement with water, and further comprising an aggregate selected from the group consisting of sand, crushed gravel, and stone.

Those of ordinary skill in the concrete arts would not look to Kulkarni's sheeted dough for any teaching about retarding the surface of a Portland cement, mortar cement, or masonry cement composition as described in amended claim 22. Nor would

they combine Kulkarni's sheeted dough with O'Toole baking stone to obtain the presently claimed method for etching a concrete surface. Although made of cement and sand, O'Toole's baking stone is not "hydratable" because its surface can not be etched by merely contacting oils, sugars, and salts contained in uncooked pizza crust dough, such that it can be washed away by hose or pressure-washers.

Finally, Kulkarni and O'Toole are not analogous art references because neither of these address the specific concerns of the present inventors, nor do they really pertain to the general field of concrete compositions and materials (*In re Oetiker*).

In view of the claim amendments and foregoing remarks, the rejection under 35 USC 103 in view of Kulkarni and O'Toole is overcome and should be withdrawn.

* * *

New claims 24-43 depend on amended claim 22 and set forth features of the coating composition as previously described, respectively, in claims 2-21, now cancelled. No new matter is introduced into this application by claims 24-43, which are believed to be allowable.

* * *

New claim 44 depends on method claim 25 and specifies the use of a "mixture" of both vegetable oil, animal oil, or derivatives thereof as originally described at page 3, lines 24-25, and also in original claims 2-4, now cancelled. No new matter is introduced into this application by claim 44, which is believed to be allowable.

* * *

New independent claim 45 is based on claim 22 as amended, and further incorporates: the oil range of original claim 3 (now cancelled); the at least two different vegetable oils or vegetable oil and vegetable oil derivative as described in original claim 14 (now cancelled); the amount of the cement set retarding active component (e.g., 1-20%) as described in original claim 16 (now cancelled); the retarding active component groups as that described in original claim 17 (now cancelled); and pigment, colorant, or dye, and filler, rheology modifier, or viscosity modifier as described in claim 21 (now

cancelled). No new matter is introduced into this application by new claim 45, which is believed to be allowable.

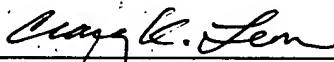
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CONCLUSION

In view of the amendments and remarks presented herein, Applicants request that claims 22 and 24-45 be allowed.

As the number of new claims does not exceed the number cancelled (22), Applicants do not believe that any fees are owing. If the Commissioner deems otherwise, the Commissioner is authorized to charge any fees or to credit overpayments to Deposit Account No. 07-1756.

The Examiner is invited to contact the undersigned to discuss any aspect of this application.


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